

Appl. No.: 10/772,134
Amendment dated June 14, 2006
Reply to Office Action of March 21, 2006

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REMARKS/ARGUMENTS

The Office Action of March 21, 2006 has been carefully reviewed and this paper is the Applicant's response to the Office Action. Reconsideration and allowance of the instant application are respectfully requested.

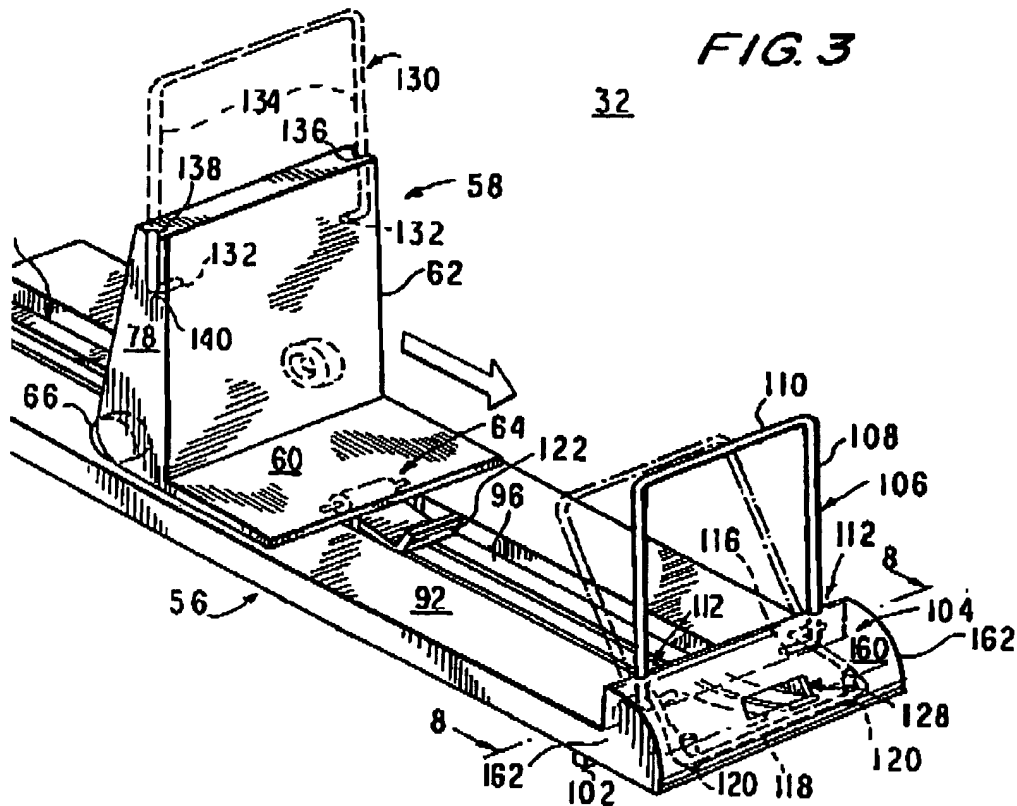
Claims 1-6, 8, 11-18, 23-30, and 35 were rejected under 35 U.S.C. 102(b) as being anticipated by Merl (6,142,317). Claims 7, 19, 20, 31, 32 and 36-49 were rejected under 35 U.S.C. 103(a) as being unpatentable over Merl in view of Spamer et al (5,634,564). Claims 9, 10, 21, 22, 33, 34 and 40-43 were objected to as being dependent upon a rejected base claim but were deemed allowable if rewritten in independent form.

By this response, claims 1 and 25 have been amended.

Rejection Under 35 U.S.C. § 102(b)

Claims 1-6, 8, 11-18, 23-30, and 35 were rejected under 35 U.S.C. 102(b) as being anticipated by Merl (6,142,317). Merl is directed to a gravity feed shelving system with track and pusher. As depicted below, Figure 3 of Merl shows a gravity feed and display unit, including an extension bail 130. In contrast to the present invention, Merl teaches that a removable extension bail 130 may be used in connection with pusher 58 to extend the height of the pusher head in a vertical manner. See C. 4, L. 50-51 and 59-60; C. 8, L. 1-2 (Merl teaches a "pusher face that includes a removable bail projecting upwardly therefrom"). Consequently, Merl teaches away from a stated objective of the invention to eliminate the need for additional components attached to the pusher. Additionally, Merl does not anticipate claim 1 because claim 1, as amended, recites "a pusher face that is extendable horizontally." Claims 2-6, 8, 11 and 12 are not anticipated by Merl for the same reasons and for the additional limitations recited in those claims.

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Independent claim 13 recites, among other components, “a pusher face that is extendable transversely relative to the track from a first position to a second position.” In contrast, Merl teaches a “pusher face that includes a removable bail projecting upwardly therefrom.” Merl, C. 8, L. 1-2. “Transversely relative to the track” is a different direction than “upwardly from the pusher face.” Thus, Merl cannot anticipate claim 13. Claims 14-18, 23 and 24 are not anticipated for the same reasons and for the additional limitations recited in those claims.

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Independent claim 25 has been amended to recite "the pusher including a pusher face that is movable along the track and is slidably configured to extend substantially perpendicular to the track." As noted above, Merl teaches a pusher face with an attached extension bail. The extension bail is not a comparable component to the slidable pusher face recited in claim 25 in that the bail of Merl extends upwardly and not perpendicular to the track. Therefore Merl cannot anticipate claim 25. Claims 26-30 and 35 are not anticipated for the same reasons and for the additional limitations recited in those claims.

Rejection Under 35 U.S.C. § 103(a)

Claims 7, 19, 20, 31, 32 and 36-39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Merl (6,142,317) in view of Spamer et al (5,634,564).

For the reasons stated that Merl does not anticipate any pending claims, Merl in view of Spamer does not render obvious the pending claims. Merl is discussed above. Spamer is directed to a pusher device for dispensing articles, including an urging spring. Spamer does not teach a transversely extendable pusher face. Consequently, Spamer does not obviate the deficiencies identified above with respect to Merl. As a result, Merl in view of Spamer does not render obvious any pending claims.

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CONCLUSION

It is believed that all claims are in allowable condition. The commissioner is hereby authorized to charge any fee due or credit any overpayment of fee to Deposit Account No. 19-0733.

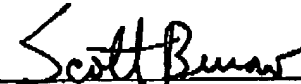
All rejections having been addressed, Applicant respectfully submits that the application is in condition for allowance and requests prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: June 14, 2006

By:



Scott A. Burrow
Registration No. 42,373

Ten South Wacker Dr
Chicago, Illinois 60606
Tel: (312) 463-5000
Fax: (312) 463-5001